©
Government of Kerala
1979

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 787

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 14050-Leg.(A)1/79/Law. *Dated, Trivandrum, 3rd November, 1979/ 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd day of November, 1979.

By order of the Governor,

P. A. SRINIVASAN,
Joint Secretary.

33/4065/MC.

ACT 27 OF 1979

THE KERALA LAND REFORMS (AMENDMENT) ACT, 1979

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 7th day of July, 1979.

2. *Amendment of section* 2.—In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), in sub-clause (c) of clause (44), after the words "Land Board", the words "or the Taluk Land Board, as the case may be" shall be inserted.

3. *Insertion of new section* 6 C.—After section 6B of the principal Act, the following section shall be inserted, namely:—

"6C. *Certain lessees who have made substantial improvements, etc., to be deemed tenants.*—Notwithstanding anything contained in section 74, or in any contract, or in any judgment, decree or order of any court or other authority, any person in occupation at the commencement of the Kerala Land Reforms (Amendment) Act, 1969, of the land of another person on the basis of a lease deed executed after the 1st day of April, 1964, shall be deemed to be a tenant if—

(a) he (including any member of his family) did not own or hold land in excess of four acres in extent on the date of execution of the lease deed; and

(b) he or any member of his family has made substantial improvements on the land.

Explanation.—For the purposes of this section, improvements shall be deemed to be substantial improvements if the value of such improvements is more than fifty per cent of the value of the land on the date of execution of the lease deed.".

4. *Amendment of section* 19.—In section 19 of the principal Act, after the words "Land Board", the words "or the Taluk Land Board, as the case may be," shall be inserted.

5. *Amendment of section* 26.—In section 26 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) The person liable to pay the amount determined under sub-section (2) shall deposit the same with the Land Tribunal which determined the amount within a period of six months from the date of such determination.

(3A) In the event of the failure to deposit the amount referred to in sub-section (3) within the time specified in that sub-section, such amount shall, on a written requisition from the Land Tribunal to the District Collector, be recovered under the provisions of the Kerala Revenue Recovery Act, 1968, together with interest at the rate of six per cent per annum from the date of determination of the amount under sub-section (2).".

6. *Amendment of section* 27.—In section 27 of the principal Act, *Explanation II* shall be, and shall be deemed to have been, renumbered as *Explanation III* with effect on and from the 1st day of January, 1970 and before that *Explanation*, the following *Explanation* shall be, and shall be deemed to have been, inserted with effect on and from the said date, namely:—

"*Explanation II.*—Where in respect of a holding there is a stipulation in the contract of tenancy for the payment of interest by the transferor to the transferee on the consideration paid by, or due to, the transferee, or for the payment by the transferee of land tax due to the Government or any tax or cess due to a local authority, the contract rent of that holding shall, for the purpose of this section, be calculated after deducting such interest, tax and cess.".

7. *Amendment of section* 63.—In section 63 of the principal Act, to sub-section (7), the following proviso and *Explanation* shall be added, namely:—

"Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.—For the purposes of the preceding proviso, "member of family" means wife or husband, son or daughter.".

8. *Amendment of section* 72H.—In section 72H of the principal Act, to sub-section (8), the following proviso and *Explanation* shall be added, namely:–

"Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.—For the purposes of the preceding proviso, "member of family" means wife or husband, son or daughter.".

9. *Amendment of section* 72I.—In section 72I of the principal Act,—

(1) to sub-section (3), the following proviso shall be added, namely:—

"Provided that where the amount of compensation mentioned in the application as due to the applicant is not more than the amount of compensation determined by the Land Board it shall not be necessary to give the applicant an opportunity of being heard.";

(2) in sub-section (5) for the words " on the date of expiry", the words "before the date of expiry" shall be substituted.

10. *Amendment of section* 80E.—In section 80E of the principal Act, to sub-section (6), the following proviso and *Explanation* shall be added, namely:—

"Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.—For the purposes of the preceding proviso, "member of family" means wife or husband, son or daughter.".

11. *Amendment of section* 84.—After sub-section (1) of section 84 of the principal Act, the following sub-section shall be, and shall be deemed to have been, inserted with effect on and from the 1st day of January, 1970, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), or in any judgment, decree or order of any court or other authority, any voluntary transfer effected by means of a gift deed executed during the period commencing on the 1st day of January, 1970 and ending with the 5th day of November, 1974, by a person owning or holding land in excess of the ceiling area in favour of his son or daughter or the son or daughter of his predeceased son or daughter shall be not deemed to be, or ever to have been, invalid—

(a) if the extent of the land comprised in the gift does not exceed the ceiling area specified in clause (a) of sub-section (1) of section 82; and

(b) if the extent of the land comprised in the gift exceeds the ceiling area specified in the said clause, to the extent of that ceiling area:

Provided that nothing contained in this sub-section shall apply—

(a) to a transfer in favour of a person who was an unmarried minor on the 1st day of January, 1970;

(b) in respect of any land which has been assigned on registry under section 96, before the commencement of the Kerala Land Reforms (Amendment) Act, 1979.".

 216893

12. *Amendment of section* 85.—In section 85 of the principal Act, the following sub-sections shall be inserted at the end, namely:—

"(10) Any person who, by virtue of the provisions of sub-section (1A) of section 84, is entitled to the restoration of the ownership or possession or both of any land may, within sixty days from the commencement of the Kerala Land Reforms (Amendment) Act, 1979, apply to the Land Board or the Taluk Land Board, as the case may be, for such restoration.

(11) An application under sub-section (10) shall be in such form, shall contain such particulars and shall be verified in such manner as may be prescribed.

(12) On receipt of an application under sub-section (10), the Land Board or the Taluk Land Board, as the case may be, shall, after giving the applicant or any other person likely to be affected, an opportunity of being heard and after such inquiry as it deems necessary, by order, restore the ownership or possession, or both, as the case may be, of the land.".

13. *Amendment of section* 87.—In section 87 of the principal Act, the *Explanation* to sub-section (1) shall be numbered as *Explanation I* and after that *Explanation*, the following *Explanation* shall be inserted, namely:—

"*Explanation II*.—Where, after the date notified under section 83, any class of land specified in Schedule II has been converted into any other class of land specified in that Schedule or any land exempt under section 81 from the provisions of this Chapter is converted into any class of land not so exempt and in consequence thereof the total extent of land owned or held by a person exceeds the ceiling area, so much extent of land as is in excess of the ceiling area, shall be deemed to be land acquired after the said date.".

14. *Amendment of section* 98*A*.—To section 98A of the principal Act, the following *Explanation* shall be added, namely:—

"*Explanation*.—If any question arises as to whether an institution is an institution of a public nature for religious and charitable purposes maintained by a religious denomination or any section thereof, the question shall be decided by the Government and such decision shall be final.".

15. *Amendment of section* 101.—In section 101 of the principal Act in clause (e) of sub-section (2), the words "on its own motion or" shall be inserted at the beginning.

16. *Insertion of new section* 108*A*.—After section 108 of the principal Act, the following section shall be inserted, namely:—

"108A. *Section* 11 *of Code of Civil Procedure to apply to proceedings before Land Tribunal*.—The provisions of section 11 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, so far as may be, apply to proceedings before the Land Tribunal.".

17. *Transitory provision.*—(1) Notwithstanding anything contained in any contract, or in any judgment, decree or order of any court or other authority, where the right, title and interest in respect of a holding referred to in *Explanation II* to section 27 of the principal Act as amended by this Act has been assigned in favour of a cultivating tenant and the purchase price and compensation or annuity payable in respect of such holding has been determined on the basis of contract rent calculated without deducting the interest, tax or cess referred to in the said *Explanation*, the Land Tribunal may, on application made by the cultivating tenant to whom such right, title and interest have been assigned or by his successor-in-interest within a period of one year from the commencement of this Act, by order, re-determine the purchase price and compensation or annuity payable in respect of such holding on the basis of contract rent calculated after deducting such interest, tax or cess.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) No order shall be passed under sub-section (1) without giving any person affected thereby an opportunity of being heard.

(4) Where an order has been passed under sub-section (1),—

(a) any amount paid to a land owner or intermediary as compensation in excess of the amount payable under such order shall be refunded by the land owner and the intermediary, if any, to the Government within such period as may be prescribed and if the land owner or intermediary makes default in the payment of such amount on or before the date fixed for refund, the same shall be recoverable from him under the provisions of the Kerala Revenue Recovery Act, 1968, as if it were an arrear of public revenue due on land;

(b) any amount paid by the cultivating tenant in excess of the amount payable by him under the said order shall be refunded to him within such period as may be prescribed.

18. *Repeal and saving.*—(1) The Kerala Land Reforms (Amendment) Ordinance, 1979 (8 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act, or, as the case may be, under the principal Act as amended by this Act.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1979.

Government of Kerala
1979

Reg. No. KL/TV/11

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 788

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 14051/Leg.(A)1/79/Law. *Dated, Trivandrum, 3rd November 1979/ 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd. day of November, 1979.

By order of the Governor,
P. A. SRINIVASAN,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/4066/MC.

ACT 28 OF 1979

THE KERALA DEBT RELIEF (AMENDMENT) ACT, 1979

An Act to amend the Kerala Debt Relief Act, 1977.

Preamble.—WHEREAS it is expedient to amend the Kerala Debt Relief Act, 1977, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Debt Relief (Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 13th day of January, 1977.

2. *Amendment of section* 2.—In section 2 of the Kerala Debt Relief Act, 1977 (17 of 1977) (hereinafter referred to as the principal Act), in clause (3),—

(a) in sub-clause (a),—

(i) in item (ii), after the words and figures "the Travancore Credit Bank Act, IV of 1113", the words, brackets and figures "or any Regional Rural Bank established under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976)" shall be inserted;

(ii) after item (iv), the following item shall be inserted, namely:—

"(iv-a) the Kerala State Housing Board constituted under the Kerala State Housing Board Act, 1971 (19 of 1971);";

(b) sub-clause (i) shall be omitted.

3. *Repeal and saving.*—(1) The Kerala Debt Relief (Amendment) Ordinance, 1979 (9 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Government of Kerala
1979

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 790

GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 13988-Leg.C3|79|Law. *Dated, Trivandrum, 3rd November 1979/ 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd day of November, 1979.

By order of the Governor,

P. A. SRINIVASAN,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/4068/MC.

ACT 30 OF 1979

THE INDUSTRIAL DISPUTES (KERALA AMENDMENT) ACT, 1979

An Act further to amend the Industrial Disputes Act, 1947, *in its application to the State of Kerala.*

Preamble.—WHEREAS it is expedient further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Industrial Disputes (Kerala Amendment) Act, 1979.

(2) It extends to the whole of the State of Kerala.

2. *Insertion of new section 10B.*—After section 10A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"10B. *Power to issue orders regarding terms and conditions of service pending settlement of disputes.*—(1) Where an industrial dispute has been referred by the State Government to a Labour Court or Tribunal under sub-section (1) of section 10 and if, in the opinion of that Government, it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision—

(a) for requiring employers or workmen or both to observe such terms and conditions of employment as may be specified in the order or as may be determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;

(b) for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order; and

(c) for any incidental or supplementary matters which appear to it to be necessary or expedient for the purposes of the order:

Provided that no order made under this sub-section shall require any employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months immediately preceding the date of the order.

Explanation.—For the purposes of this sub-section, "public utility service" means—

(i) any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends;

(ii) any industry which supplies power, light or water to the public;

(iii) any industry which has been declared by the State Government to be a public utility service for the purposes of this Act.

(2) An order made under sub-section (1) shall cease to operate on the expiry of a period of six months from the date of the order or on the date of the award of the Labour Court or the Tribunal, as the case may be, whichever is earlier.

(3) Any money paid by an employer to any person in pursuance of any order under sub-section (1) may be deducted by that employer from out of any monetary benefit to which such person becomes entitled under the provisions of any award passed by the Labour Court or the Tribunal, as the case may be.".

3. *Insertion of new section 29A.*—After section 29 of the principal Act, the following section shall be inserted, namely:—

"29A. *Penalty for failure to comply with an order issued under section 10B.*—Any person who fails to comply with any provision contained in any order made under sub-section (1) of section 10B, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year, and with fine.".

4. *Repeal and saving.*—(1) The Industrial Disputes (Kerala Amendment) Ordinance, 1979 (11 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 30th day of July, 1979.

Government of Kerala
1979

Reg. No. KL/TV/12

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 790

GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 13988-Leg.C3|79|Law. *Dated, Trivandrum, 3rd November 1979/ 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd day of November, 1979.

By order of the Governor,

P. A. SRINIVASAN,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS. TRIVANDRUM, 1979.

33/4068/MC.

ACT 30 OF 1979

THE INDUSTRIAL DISPUTES (KERALA AMENDMENT) ACT, 1979

An Act further to amend the Industrial Disputes Act, 1947, *in its application to the State of Kerala.*

Preamble.—WHEREAS it is expedient further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Industrial Disputes (Kerala Amendment) Act, 1979.

(2) It extends to the whole of the State of Kerala.

2. *Insertion of new section 10B.*—After section 10A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"10B. *Power to issue orders regarding terms and conditions of service pending settlement of disputes.*—(1) Where an industrial dispute has been referred by the State Government to a Labour Court or Tribunal under sub-section (1) of section 10 and if, in the opinion of that Government, it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision—

(a) for requiring employers or workmen or both to observe such terms and conditions of employment as may be specified in the order or as may be determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;

(b) for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order; and

(c) for any incidental or supplementary matters which appear to it to be necessary or expedient for the purposes of the order:

© Government of Kerala 1979

Reg. No KL/TV/12

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 785

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 14033-Leg.(A)1/79/Law. *Dated, Trivandrum, 3rd November 1979/ 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd day of November, 1979.

By order of the Governor,

P. A. SRINIVASAN,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/4063/MC.

ACT 25 OF 1979

THE KANAM TENANCY ABOLITION (AMENDMENT) ACT, 1979

An Act to amend the Kanam Tenancy Abolition Act, 1976.

Preamble.—WHEREAS it is expedient to amend the Kanam Tenancy Abolition Act, 1976, for the purpose hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kanam Tenancy Abolition (Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 1st day of January, 1970.

2. *Amendment of section* 15.—In section 15 of the Kanam Tenancy Abolition Act, 1976 (16 of 1976) (hereinafter referred to as the principal Act), in sub-section (2), for the words and figures "within one year from the date of publication of the Kanam Tenancy Abolition Ordinance, 1975, in the Gazette", the words, figures and letters "on or before the 31st day of December, 1979", shall be substituted.

3. *Repeal and saving.*—(1) The Kanam Tenancy Abolition (Amendment) Ordinance, 1979 (5 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

©
Government of Kerala
1979

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 789

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 14052-Leg. (A) 1|79|Law. *Dated, Trivandrum, 3rd November 1979/ 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd day of November, 1979.

By order of the Governor,

P. A. SRINIVASAN,

Joint Secretary.

ACT 29 OF 1979

THE KERALA PAYMENT OF ARREARS OF RENT IN INSTALMENTS ACT, 1979

An Act to provide for instalment facility for the payment of arrears of rent and for matters incidental thereto.

Preamble.—WHEREAS it is expedient to provide for instalment facility for the payment of arrears of rent and for matters incidental thereto;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Payment of Arrears of Rent in Instalments Act, 1979.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 19th day of July, 1979.

2. *Definitions.*—In this Act, unless the context otherwise requires, the expressions "cultivating tenant", "holding", "improvement", "Land Tribunal", "rent" and "tenant" shall have the meanings respectively assigned to them in the Kerala Land Reforms Act, 1963 (1 of 1964).

3. *Payment of arrears of rent in instalments.*—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any contract, custom or usage, or in any decree or order of any court or Land Tribunal, all arrears of rent accrued due before the 1st day of January, 1970 and outstanding at the commencement of this Act shall be deemed to be fully discharged if such arrears together with the interest, if any, due thereon at such commencement are paid in six equal half-yearly instalments as provided in sub-section (2).

Explanation.—For the purposes of this sub-section, arrears of rent accrued due from a tenant before the 1st day of May, 1968, shall be deemed to be the amount which his landlord is entitled to recover from him under section 73 of the Kerala Land Reforms Act, 1963 (1 of 1964).

(2) The first instalment shall be paid on or before the expiry of six months from the commencement of this Act and each of the remaining instalments shall be paid on or before the expiry of a period of six months from the last day on which the previous instalment was due:

Provided that the court or Tribunal referred to in sub-section (3) may, if it is satisfied that the tenant was prevented by sufficient cause from depositing any instalment on or before the due date, allow him to deposit the instalment before the expiry of fifteen days from the due date.

(3) The instalments payable under sub-section (2) shall be paid, or deposited in the court or Land Tribunal before which proceedings for recovery of the arrears of rent are pending, or, where no such proceedings are pending, in such court or Tribunal as may be specified by the Government in this behalf, for payment to the person entitled thereto.

4. *Stay of suits, applications, etc., for arrears of rent.*—Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal, with effect on and from the commencement of this Act,—

(a) no suit or application or other proceedings for recovery of arrears of rent referred to in section 3; or

(b) no application for, or proceedings in, execution of a decree or order for the recovery of such arrears of rent, or other application or proceedings incidental or ancillary thereto,

shall lie in any court or Land Tribunal and all such suits, applications and other proceedings pending in any court or Land Tribunal at such commencement shall stand stayed.

5. *Restoration of possession.*—(1) Notwithstanding anything to the contrary contained in any other law or in any judgment, decree or order of any court or Land Tribunal, where any holding has been sold in execution of a decree or order for arrears of rent referred to in section 3, and the cultivating tenant dispossessed of the holding before the commencement of this Act, such cultivating tenant shall, subject to the provisions of this section, be entitled to restoration of possession of the holding.

(2) Any person entitled to restoration of possession of his holding under sub-section (1) may, within a period of three months after payment of the instalments of rent as provided in sub-section (2) of section 3, apply to the court or Land Tribunal, as the case may be, which passed the decree or order for setting aside the same and for restoration of possession of his holding.

(3) The court or the Land Tribunal, as the case may be, may, after such inquiry as it deems fit, pass an order allowing the application for restoration and directing the applicant to deposit the compensation, if any, received by the applicant under any decree or order of the court or Land Tribunal towards value of improvements or otherwise and the value of improvements, if any, effected on the land after dispossession as may be determined by the court or Land Tribunal, within such period as may be specified in the order.

(4) On receipt of the compensation and value of improvements, as required in the order under sub-section (3), the court or the Land Tribunal, as the case may be, shall restore the applicant to possession of the land, if need be, by removing any person who refuses to vacate the same.

6. *Tenants failing to pay instalments in time not entitled to benefits.*—Any tenant who fails to pay any instalment as provided in sub-section (2) of section 3 on or before the due date shall not be entitled to any benefit conferred by this Act.

7. *Limitation.*—In computing the period of limitation for the institution of suits, applications or other proceedings, prohibited or stayed under this Act, the time during which such suits, applications or other proceedings are prohibited or stayed under this Act shall be excluded.

8. *Act not to apply to certain class of tenants.*—Nothing contained in this Act shall apply in respect of arrears of rent due from a tenant who is a debtor as defined in clause (4) of section 2 of the Kerala Debt Relief Act, 1977 (17 of 1977).

9. *Repeal and saving.*—(1) The Kerala Payment of Arrears of Rent in Instalments Ordinance, 1979 (10 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

Government of Kerala
1979

Reg. No. [illegible]

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 786

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 14049-Leg. (A)1|79|Law. *Dated, Trivandrum, 3rd November 1979| 12th Karthika, 1901.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 2nd day of November, 1979.

By order of the Governor.

P. A. Srinivasan,

Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/4064/MC.

ACT 26 OF 1979

THE KANAM TENANCY ABOLITION (SECOND AMENDMENT) ACT, 1979

An Act further to amend the Kanam Tenancy Abolition Act, 1976.

Preamble.—WHEREAS it is expedient further to amend the Kanam Tenancy Abolition Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kanam Tenancy Abolition (Second Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 1st day of January, 1970.

2. *Insertion of new section* 15A.—After section 15 of the Kanam Tenancy Abolition Act, 1976 (16 of 1976) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"15A. *Restoration of possession of certain holdings sold for arrears of jenmikaram.*—(1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of a decree for arrears of jenmikaram and the kanam tenant has been dispossessed of the holding after the appointed day and before the date of publication of the Kanam Tenancy Abolition (Second Amendment) Ordinance, 1979, in the Gazette, such sale shall stand set aside and such kanam tenant shall, subject to the provisions of this section, be entitled to restoration of possession of the holding.

(2) Any person entitled to restoration of possession of his holding under sub-section (1) may, within a period of six months from the date of publication of the Kanam Tenancy Abolition (Second Amendment) Ordinance, 1979, in the Gazette, deposit an amount equal to the arrears of jenmikaram for the one year immediately preceding the appointed day in the court which passed the decree and apply to that court for setting aside the sale and for restoration of possession of his holding:

Provided that where the holding has been sold to a purchaser other than the decree-holder, the amount to be deposited under this sub-section shall be equal to the purchase money together with interest at the rate of six per cent per annum.

(3) The court shall, if satisfied after such summary inquiry as it deems fit, set aside the sale and restore the applicant to possession of his holding.

(4) Where the amount deposited under sub-section (2) is not found sufficient, the court shall not pass an order under sub-section (3) unless the deficit amount is deposited in the court within such period as the court may direct.

(5) The court may also order the applicant to deposit in the court such amount as may be specified by it towards costs of the auction purchaser and the value of improvements, if any, effected on the holding after the sale.".

3. *Repeal and saving.*—The Kanam Tenancy Abolition (Second Amendment) Ordinance, 1979 (12 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Government of Kerala
1979

Reg. No. KL/TV/13

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Saturday, 3rd November 1979 / 12th Karthika 1901 [No. 784

GOVERNMENT OF KERALA

General Administration (Miscellaneous) Department

NOTIFICATION

No. 107391/M1/79/GAD. *Dated, Trivandrum, 30th October* 1979.

It is hereby notified that the holidays enumerated below shall be observed as Public Holidays in the Public Offices under the Kerala Government during the Calendar Year 1980.

HOLIDAYS FOR 1901-1902 SAKA ERA/1980 A. D.

Name of holidays	*Day of the week*	*A. D.*	*M. E.*	*S. E.*
Closed Holidays				
All Sundays				
The Second Saturday of Each English Month				
Republic Day	Saturday	26-1-1980	12-6-1155	6-11-1901
Milad-i-Sherif	Thursday	31-1-1980	17-6-1155	11-11-1901
Sivarathri	Thursday	14-2-1980	2-7-1155	25-11-1901

Name of holidays	Day of the week	A. D.	M. E.	S. E.
Good Friday	Friday	4-4-1980	22-8-1115	15-1-1902
Vishu	Monday	14-4-1980	1-9-1155	25-1-1902
May Day	Thursday	1-5-1980	18-9-1155	11-2-1902
Idul-Fitr (Ramzan)	Wednesday	13-8-1980	29-12-1155	22-5-1902
Independence Day	Friday	15-8-1980	31-12-1155	24-5-1902
First Onam Day	Saturday	23-8-1980	8-1-1156	1-6-1902
Third Onam Day	Monday	25-8-1980	10-1-1156	3-6-1902
Fourth Onam Day	Tuesday	26-8-1980	11-1-1156	4-6-1902
Samadhi day of Sree Narayana Guru	Saturday	20-9-1980	5-2-1156	29-6-1902
Gandhi Jayanthi	Thursday	2-10-1980	17-2-1156	10-7-1902
Mahanavami	Saturday	18-10-1980	2-3-1156	26-7-1902
Bakrid	Monday	20-10-1980	4-3-1156	28-7-1902
Deepavali	Thursday	6-11-1980	21-3-1156	15-8-1902
Christmas	Thursday	25-12-1980	10-5-1156	4-10-1902

The following festivals and occasions, which occur on Sundays have been excluded from the above list:—

Name of holidays	Day of the week	A. D.	M. E.	S. E.
Thiru Onam Day	Sunday	24-8-1980	9-1-1156	2-6-1902
Vijaya Dasami	Sunday	19-10-1980	3-3-1156	27-7-1902

Note: (1) On Monday the 31st March 1980 and Saturday the 15th November 1980 (Arat at Trivandrum) Government Offices in Trivandrum City will remain closed at 3. p.m.

By order of the Governor,

G. BHASKARAN NAIR,
Chief Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.